



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,956	04/12/2001	Catherine Lin-Hendel	LH 011	3820
35070	7590	07/23/2008		
ANATOLY S. WEISER				
3525 DEL MAR HEIGHTS ROAD, #295				
SAN DIEGO, CA 92130				
EXAMINER				
WINTER, JOHN M				
ART UNIT		PAPER NUMBER		
3685				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/833,956  
Filing Date: April 12, 2001  
Appellant(s): LIN-HENDEL, CATHERINE

---

Michael Chan  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 20, 2008.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct

**(4) Status of Amendments After Final.**

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct

**(5) Summary of the Invention.**

The summary of the invention contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon.**

Garavini US Patent 7,080,070

Wells US Patent 6,711,586)

**(9) Grounds of Rejection.**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18- 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garavini (US Patent 7,080,070) in view of Wells (US Patent 6,711,586).

As per claim 18,

Garavini ('070) discloses a method for conducting on-line commerce, comprising the steps of:

providing a software based interface configured to enable a user to selectively designate a plurality of different items to be purchased in a single search, wherein the software based interface enables the user to selectively designate the plurality of different items without searching for each different item of the plurality of different items one item at a time; (Column 2, lines 23-60)

receiving from the user selective designations of the plurality of different items designated by the user through the interface. (Column 2, lines 42-45)

displaying information found during the single search regarding said plurality of different items; and purchasing on-line all or some of said plurality of different items. (Figure 5)

Garavini ('070) does not explicitly disclose searching, during the single search, for all of said plurality of different items on a plurality of data sources. Wells ('586) discloses searching, during the single search, for all of said plurality of different items on a plurality of data sources. (Column 2, lines 6-46 [Examiner notes that multiple web pages can be construed as multiple data sources]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Garavini ('070) method with the Wells ('586) method in order create a more efficient searching system by combining searches; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

Applicant(s) are reminded that optional or conditional elements, such as "a software based interface configured to enable a user to selectively designate a plurality of different items to be purchased in a single search" do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.] " As a matter of linguistic precision, optional elements (such as "configured to enable") do not narrow the claim because they can always be omitted.

Claim 34 is in parallel with claim 18 and is rejected for at least the same reasons.

As per claim 19,

Garavini ('070) discloses the method according to Claim 18,  
wherein at least one of the plurality of data sources is a website. (Column 3, lines 28-57)

As per claim 20,

Garavini ('070) discloses the method according to Claim 18,  
wherein at least one of the plurality of data sources is a database. (Column 4, lines 1-11)

As per claim 21,

Garavini ('070) discloses the method according to Claim 18, further comprising the step  
of:

The software based interface is further configured to enable the user to selectively specify  
at least one of the plurality of data sources to be searched. Said at least one of the plurality of  
data sources is searchable through a first website, another data source of the plurality of data  
sources is searchable through a second website and the first website is different from the second  
website. (Abstract)

As per claim 22,

Garavini ('070) discloses the method according to Claim 18,  
wherein at least one of the plurality of data sources is a default data source specified by a  
user.(Figure 5)

As per claim 23,  
Garavini ('070) discloses the method according to Claim 18,  
wherein the step of displaying step information includes the step of:  
displaying search results of the single search on a display device for viewing by the user, the  
search results providing information regarding all of said plurality of different items searched.  
(Figure 5)

As per claim 24,  
Garavini ('070) discloses the method according to Claim 23,  
wherein if a particular one of the plurality of data sources that was searched does not  
have a particular one of the plurality of different items available for sale, that particular data  
source indicates if any of the other plurality of data sources searched has the item available for  
sale. (Column 11, lines 29-61 and column 6 lines 53-61)

Claim 37 is in parallel with claim 24 and is rejected for at least the same reason.

As per claim 25,  
Garavini ('070) discloses the method according to Claim 23,  
wherein the step of displaying search results step includes the step of:

displaying in a plurality of lists the information found during the single search, each one of the plurality of lists displaying search results from a different one of the plurality of data sources searched.(Figure 5)

As per claim 26,

Garavini ('070) discloses the method according to Claim 25,

wherein the step of purchasing includes: providing a software based interface configured to enable the user to place one order for purchasing all or some said of said plurality of different items.(Figure 6)

As per claim 27,

Garavini ('070) discloses the method according to Claim 18,

further comprising the step of enabling a user to specify display criteria whereby the information found in the search is displayed according to the display criteria specified by the user. (Figure 14)

Claim 38 is in parallel with claim 27 and is rejected for at least the same reasons.

As per claim 28,

Garavini ('070) discloses the method according to Claim 18,

searching certain data sources of the plurality of data sources in a prioritized order specified by the user (Column 2, lines 45-50)



As per claim 29,  
Garavini ('070) discloses the method according to Claim 18,  
further comprising the steps of: displaying a list of preferred data sources on a display device; prompting the user to edit the list of preferred data sources; receiving, from the user input provided in response to the step of prompting,; and editing the list of preferred data sources in accordance with the input provided by the user in response to the step of prompting to determine the plurality of data sources; wherein the steps of displaying the list of preferred data sources, prompting, receiving, and editing are performed before the step of searching.(Figure 10, Column 8, lines 11-49)

Claim 35 is in parallel with claim 29 and is rejected for at least the same reason.

As per claim 30,  
Garavini ('070) discloses the method according to Claim 18,  
wherein the plurality of different items comprises a shopping list. (Figure 10)

As per claim 31,  
Garavini ('070) discloses the method according to Claim 18,  
further comprising the step of: prompting the user to exclude at least one item from the plurality of different items before the step of searching. (Figure 21)

As per claim 32,

Garavini ('070) discloses the method according to Claim 18,  
wherein the plurality of different items includes different types of items. (Figure 10)

As per claim 33,  
Garavini ('070) discloses the method according to Claim 18,  
wherein the step of purchasing sky includes the step of placing a single order for each of  
the plurality of different items to be purchased, at a corresponding data source, selected and  
approved by the user. (Figure 25A)

Claim 36 is in parallel with claim 33 and is rejected or at least the same reasons.

**(10) Response to Argument.**

The Appellant states that the prior art references fail to disclose the claimed feature of  
“wherein the software based interface enables the user to selectively designate the plurality of  
different items without searching for each different item of the plurality of different items one  
item at a time”

The Examiner replies that Column 2, lines 42-54 states “Another important feature of the  
invention involves allowing the customer to view and modify quantities of items selected for  
prospective purchase throughout the various browsing or viewing modes. Specifically, regardless  
of the browsing mode (alphabetic browsing, category-based browsing, search, etc.), whenever  
the user views an item or a list of items, each such item is displayed in conjunction with a

"quantity" field which indicates the number of that item currently selected for purchase. Thus, when the user views an item, the user can immediately determine whether the item is selected for purchase (and its quantity) without having to access a shopping cart page or other special page. Further, in the preferred embodiment, the user can edit the quantity values within such fields to directly modify the item quantities selected for prospective purchase" The Examiner submits that the ability to update the quantity field in a list of items meets the limitations of the claimed invention.

The Appellant states that the prior art references fail to disclose the claimed feature of "searching, during the single search, for all of said plurality of different items on a plurality of data sources "

The Examiner replies that Wells states at column 5, lines 1-15 " Via the database interface Web server 15 is coupled to at least one database comprising a plurality of documents. Each of the documents preferably relates to an item that may be of interest to a user..... The database interface is configured to generate appropriate search commands to retrieve relevant documents from databases based on commands from the processor. In an alternative embodiment, the processor may interface directly with the databases. Via the database interface Web server 15 is coupled to at least one database comprising a plurality of documents..... The database is preferably implemented using conventional database management systems such as ORACLE.RTM., SYBASE.RTM. or other similar products. The database interface is configured to generate appropriate search commands to retrieve relevant documents from databases based on commands from the processor. In an alternative embodiment, the processor may interface directly with the databases." The Examiner submits that the system of Wells is capable of using

a database interface to query multiple data sources (i.e. plurality of documents) for multiple items.

The Appellant states that the prior art references fail to disclose the claimed feature of “a software based interface configured to enable a user to selectively designate a plurality of different items”

The Examiner replies that Garavini discloses at column 2, lines 23-41 a system for generating user defined categories containing search results made by the users. The Examiner contends that the result of a query of the merchants catalog would result in “a plurality of different items” and therefore meets the limitations of the claimed invention.

The Appellants arguments in regards to claims 21, 28, 33, 36 and 38 are in parallel with the arguments set forth regarding claim 18, therefore the same response applies to claims 21, 28, 33, 36 and 38 as well.

The rejection of claim 21 under 35 U.S.C. 112 has been withdrawn.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 3691

For the above reasons, it is believed that the rejections should be sustained,

Respectfully submitted

John M Winter  
/John Winter/

Examiner

Art Unit 3685

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691

JMW  
July 15, 2008

Conferees:

Vincent Millin /VM/  
Appeals Conference Specialist

/A. K./ Alexander Kalinowski  
Supervisory Patent Examiner, Art Unit 3691 for  
Andrew Fischer